

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: August 16, 2006

Division: Emergency Services

Bulk Item: Yes X No     

Department: Fire Rescue

Staff Contact Person: Susan Hover

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**AGENDA ITEM WORDING:** Approval of Resolution terminating the fire rescue service agreement dated October 7, 1992 between Monroe County Board of County Commissioners as governing Board for Municipal Services Taxing District 6 and the Key Largo Volunteer Fire Department, Inc., and all addenda thereto, in accordance with Section 2 of said agreement, effective midnight September 30, 2006; providing an alternative termination date if necessary.

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**ITEM BACKGROUND:** See attached memo.

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**PREVIOUS RELEVANT BOCC ACTION:** On October 7, 1992, the Board approved a new basic service agreement with Key Largo Volunteer Fire Department, Inc. This agreement has been amended from time to time since inception, and is currently on a month-to-month basis.

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**CONTRACT/AGREEMENT CHANGES:** Termination of service agreement effective midnight September 30, 2006.

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**STAFF RECOMMENDATIONS:** Approval.

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**TOTAL COST:** N/A

**BUDGETED:** Yes      No     


**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes      No     

**AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty YES OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR:** Clark O. Martin, Jr. 


**DOCUMENTATION:** Included X Not Required     

**DISPOSITION:**     

**AGENDA ITEM #**

## **MEMORANDUM ATTACHMENT TO AGENDA ITEM SUMMARY**

**TO:** Board of County Commissioners of Monroe County, Florida

**FROM:** Clark O. Martin, Jr., Fire Chief/Director  
Emergency Services Division 

**MEETING DATE:** August 16, 2006

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### **ITEM WORDING**

Approval of Resolution terminating the fire rescue service agreement dated October 7, 1992 between Monroe County Board of County Commissioners as governing Board for Municipal Services Taxing District 6 and the Key Largo Volunteer Fire Department, Inc., and all addenda thereto, in accordance with Section 2 of said agreement, effective midnight September 30, 2006; providing an alternative termination date if necessary.

### **ITEM BACKGROUND**

The Key Largo Fire and EMS District was created on June 8, 2005, the effective date of the bill that created it. The referendum was for the purposes of taxation and to elect a governing board, which had to be voted upon by the electorate within the district by October 4, 2005.

Although the Key Largo Fire and EMS District existed and had a governing body as of October 4, 2005, it had no money and borrowed funds from the County to begin operation, and in addition elected to continue functioning under the existing service agreements with the County until their official transition effective October 1, 2006.

Section 2 of the service agreement allows termination by either of the two parties without cause, upon not less than 30 days written notice to the other. (See attached Contract Agreement Addendum)

On July 25, 2006, a written notice was prepared by Fire Chief Clark Martin to Key Largo Volunteer Fire Department, Inc. stating the intent of the County to terminate the agreement as of midnight September 30, 2006, contingent upon Board approval. (See attached Written Notice letter)

**RESOLUTION No.     - 2006**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY FLORIDA PROVIDING THAT THE FIRE RESCUE SERVICE AGREEMENT DATED OCTOBER 7, 1992 BETWEEN MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AS GOVERNING BOARD FOR MUNICIPAL SERVICES TAXING DISTRICT 6 AND THE KEY LARGO VOLUNTEER FIRE DEPARTMENT, INC., AND ALL ADDENDA THERETO, IN ACCORDANCE WITH SECTION 2 OF SAID AGREEMENT, BE TERMINATED EFFECTIVE MIDNIGHT SEPTEMBER 30, 2006; PROVIDING AN ALTERNATIVE TERMINATION DATE IF NECESSARY.**

**WHEREAS**, On October 7, 1992, the Board of County Commissioners of Monroe County, Florida approved a new basic service agreement (Agreement) with Key Largo Volunteer Fire Department, Inc; and

**WHEREAS**, Said Agreement has been amended from time to time since inception, and is currently on a month-to-month basis; and

**WHEREAS**, The Key Largo Fire and EMS District (District) was created on June 8, 2005, the effective date of the bill that created it, and a referendum was held for the purposes of taxation and election of a governing board; and

**WHEREAS**, Although the Key Largo Fire and EMS District existed and had a governing body as of October 4, 2005, it had no money and borrowed funds from the County to begin operation; and

**WHEREAS**, the District elected to continue functioning with the existing service agreements with the County until the official transition by Interlocal Agreement (ILA) between Monroe County and District, which should be effective October 1, 2006; and

**WHEREAS**, Section 2 of the Agreement allows termination of the Agreement without cause by giving thirty (30) days written notice; and

**WHEREAS**, On July 25, 2006, in order to comply with the terms of the Agreement, a written notice was sent by Fire Chief Clark Martin to Key Largo Volunteer Fire Department, Inc. stating the intent of the County to terminate the agreement as of midnight September 30, 2006, contingent upon approval of the Board of County Commissioners acting as the Board of Governors of District 6;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

Section 1. That the fire rescue service agreement dated October 7, 1992 between Monroe County Board of County Commissioners as Governing Board for Municipal Services Taxing District 6 and the Key Largo Volunteer Fire Department, Inc., and all addenda thereto, in accordance with Section 2 of said agreement, be terminated effective midnight September 30, 2006.

Section 2. That in the event the transition ILA is delayed, the Agreement shall terminate on the day the ILA is approved.

Section 3. That a copy of this document shall be furnished to the President, Key Largo Volunteer Fire Department, Inc.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2006.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem Dixie M. Spehar  
Commissioner George Neugent  
District IV  
Commissioner Glenn Patton

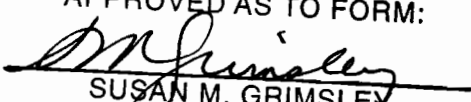
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(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
MUNICIPAL SERVICES TAXING  
DISTRICT 6

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor/Chairman

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
  
SUSAN M. GRIMSLEY  
ASSISTANT COUNTY ATTORNEY  
7-28-06

CONTRACT AGREEMENT ADDENDUM

Key Largo Volunteer Fire Department, Inc.  
dated September 21, 1995

THIS ADDENDUM TO CONTRACT AGREEMENT, made and entered into this 21st day of September, 1995 a.d., by and between the Board of County Commissioners, Monroe County, Florida, on behalf of the Municipal Services Taxing District #6, and Key Largo Volunteer Fire Department, Inc., a not-for-profit Florida Corporation in order to amend the contract agreement between the parties dated October 7, 1992, as follows:

The term of the AGREEMENT, as stated in Section 1, shall be amended to read as follows:

1. The term of this agreement shall commence as of the 1st day of October, 1992, and expire on the 31st day of January, 1996.

The termination of this AGREEMENT, as stated in Section 2, shall be amended to read as follows:

2. This AGREEMENT may be terminated by either of the two parties without cause, upon not less than 30 days written notice to the other.

In all other respects, the Contract Agreement between the parties dated October 7, 1992 remains in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Contract Agreement Addendum to be executed the day and year first above written.

BOARD OF COUNTY COMMISSIONERS,  
MONROE COUNTY, FLORIDA ON  
BEHALF OF MSTD NO. 6

Shirley Freeman  
MAYOR

(SAL)

Attest: Danny L. Kolhage, Clerk

Ruth Kolhage  
CLERK

KEY LARGO VOLUNTEER FIRE  
DEPARTMENT, INC.

Juergen Niola  
PRESIDENT

(CORPORATE SEAL)

ATTEST:

Linda Davis  
SECRETARY

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

Bob Webb  
COUNTY ATTORNEY'S OFFICE



OFFICE of  
EMERGENCY SERVICES  
490 63<sup>rd</sup> Street  
Marathon, FL 33050  
PHONE: (305) 289-6010  
FAX: (305) 289-6336



**BOARD OF COUNTY COMMISSIONERS**

Mayor Charles "Sonny" McCoy, District 3  
Mayor Pro Tem Dixie M. Spehar, District 1  
George Neugent, District 2  
David P. Rice, District 4  
Glenn Patton, District 5

July 25, 2006

Christopher Fleming  
Key Largo Volunteer Fire Department, Inc.  
P.O. Box 782  
1 East Drive  
Key Largo, FL 33037

Dear Mr. Fleming,

**WRITTEN NOTICE**

This is written notice that fire rescue service agreement dated October 7, 1992, and all addenda thereto, will be terminated effective midnight September 30, 2006, contingent upon approval by the Board of County Commissioners of Monroe County Florida.

If you have any questions, please feel free to contact me.

Sincerely,

Clark O. Martin, Jr.  
Fire Chief/Director, Emergency Services